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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,979	03/30/2001	Tomohiko Tamura	10432	4195

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EXAMINER

KESACK, DANIEL

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/820,979	Applicant(s) TAMURA, TOMOHIKO	
	Examiner Dan Kesack	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed August 30, 2006 has been entered and fully considered.

Claims 1-29 are currently pending. The rejections are as stated below.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 12, 2006 has been entered.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 1-3, 7-10, 14-18, 22-25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen, U.S. Patent No. 6,422,462, in view of Rudisill, U.S. Patent No. 6,816,721.

Claims 1-3, 7-10, 14-18, 22-25, 29, Cohen discloses an apparatus and method for completing transactions, involving an electronic alternative to a currency, in which a user can set the amount of currency that can be used for a set type of transaction (column 5 lines 22-25), if user tries to use the card for any other purpose, the transaction being declined (column 8 lines 3-6), if user tries to charge in excess of the set amount, the charge will be declined (column 8 lines 31-32). It is inherent in this feature that the system disclosed must subtract the amount to be paid from the balance of predetermined credit in order to determine if the resulting balance will be less than zero, and if this result is not zero, and the transaction is approved under the type of transaction requirement, the transaction is allowed (Figure 1). Furthermore, Cohen teaches allowing the payment within the range of the total balance in the medium if the result of the discriminating whether or not a payment is for said particular purchase is positive (column 8 lines 24-39).

Cohen fails to teach the card having a minimum balance, comparing the after-transaction balance with the minimum balance in order to determine whether or not the transaction is valid.

Inherent in the credit card device of Cohen is a line of credit, which is recorded by transaction, and must maintain a minimum balance of zero.

Further, Rudisill teaches a method of purchasing products using a prepaid account, accessible by a mobile device, in which the mobile device determines whether sufficient funds exist in the debit account to cover the transaction and maintain a predetermined minimum balance (column 3 lines 11-16). If not, the transaction is denied. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention, before a transaction, to determine whether there is a sufficient amount of stored currency on the medium before approving the transaction, and denying said transaction if there is not.

5. Claims 4-6, 11-13, 19-21, 26-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen and Rudisill as applied to claims 1-3, 8-10, 16-18, 23-25 above, and further in view of Hudson et al. U.S. Patent No. 4,650,978.

Cohen and Rudisill fail to teach the step of electronic money being loaded onto the card.

Hudson discloses a bank cash card, a user loading said cash card with funds at a bank, the balance and other account information being stored on the magnetic stripe on the card, and the card being used to make purchases. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the invention of Cohen to include the features of the bank cash card described by Hudson. The credit card device of Cohen contains a magnetic stripe for implementing the feature of Hudson, and doing so would provide an additional payment option for card users, while still only using one card or device.

Response to Arguments

6. Applicant's arguments filed August 30, 2006 have been fully considered but they are not persuasive.

The prior art of record, at least the Cohen and Rudisill references, teach the newly added limitation, wherein the electronic alternative to a currency is stored "in a single storage section of a" medium, and wherein payments are made from the single storage section of the medium.

Cohen and Rudisill teach the use of debit accounts. Debit accounts are old and well known in the art, and inherently include a bank account or other type of registry where value is stored electronically, and may be debited. Even if the bank account is broken into sub-accounts, the electronic money and account information is still stored in a "single storage section", but may contain more than one "area". The limitation does not imply a single balance or a single account. This interpretation is reasonably made in light of Applicant's specification, wherein the "single storage section" contains multiple "areas" of data (figure 7). The electronic money taught by Cohen and Rudisill is stored in a debit account, and said account may be described as a "single storage section" of a medium. As claimed in the present invention, payment is made from this "single storage section" or bank account, and payment is allowed or prohibited based on the total balance in the single storage section.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882.

The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HANI M. KAZIMI
PRIMARY EXAMINER